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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/274,942	07/14/1994	PETER HAGMANN	CLV19623ACVE	2571

1095 7590 04/08/2003

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EXAMINER

VARGOT, MATHIEU D

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 04/08/2003

25

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

00/274,942

Applicant(s)

HAGMANN et al.

Examiner

M. V. AR605

Group Art Unit

1732

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 3/14/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5, 8-40, 42-61 + 63-81 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 8-40, 42-61 + 63-81 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8-40, 42-61 and 63-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark substantially for reasons of record and as set forth in the Board decision, paper No. 20, mailed July 26, 2002. It is noted that applicant has amended the independent claims to recite "impinging in a spatially restricted manner" and "causing the crosslinking upon all the portion" of the uncrosslinked material located in the mold cavity, the crosslinking being "limited by a peripheral boundary defined by the spatial restriction of the energy impingement". As far as can be ascertained by Clarke, the applied reference teaches this. Applicant has noted that Clarke uses a diaphragm which is smaller than the diameter of the lens being cast. While this is indeed taught at column 7, lines 18-20, it is also pointed out that this is done to initially ensure that the material adjacent to the edge of the mold not be polymerized. After the material in the center has been polymerized, the diaphragm can be removed or an adjustable one used so that the desired lens material in the mold cavity can be polymerized totally--ie, "all the portion". The point is, the desired lens material is polymerized as set forth in the instant claims.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of European Patent Application 484,015 for reasons of record and as set forth in the Board decision mailed July 26, 2002.

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3. Applicant's arguments filed March 14, 2003 have been fully considered but they are not persuasive. Applicant maintains that Clark is teaching away from the invention. However, such is not believed to be the case. Simply because the reference appreciates that the border portions should be left in a liquid form to allow for shrinkage or expansion of the resin until the bulk of the lens has been formed does not mean that it teaches away from the present invention. Indeed, upon completion of the polymerization, the necessary lens portions including borders will be polymerized "all together" to form the finished product.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

April 4, 2003

M. Vargot
MATHIEU D. VARGOT
PRIMARY EXAMINER
GROUP 1300

4/4/03